

(2)

CURSORY REMARKS

O N

Mr. GILBERT'S LAST BILL,

F O R T H E

BETTER RELIEF, AND EMPLOYMENT
OF THE POOR, &c.

A N D H I S

CONSIDERATIONS THEREON:

I N A

LETTER TO THAT GENTLEMAN.

ERRORI NOMEN VIRTUS POSWISSET HONESTUM!

MOR.

By *H. BATE DUDLEY*, CLERK,

ONE OF HIS MAJESTY'S JUSTICES OF THE PEACE FOR THE
COUNTY OF ESSEX.

L O N D O N:

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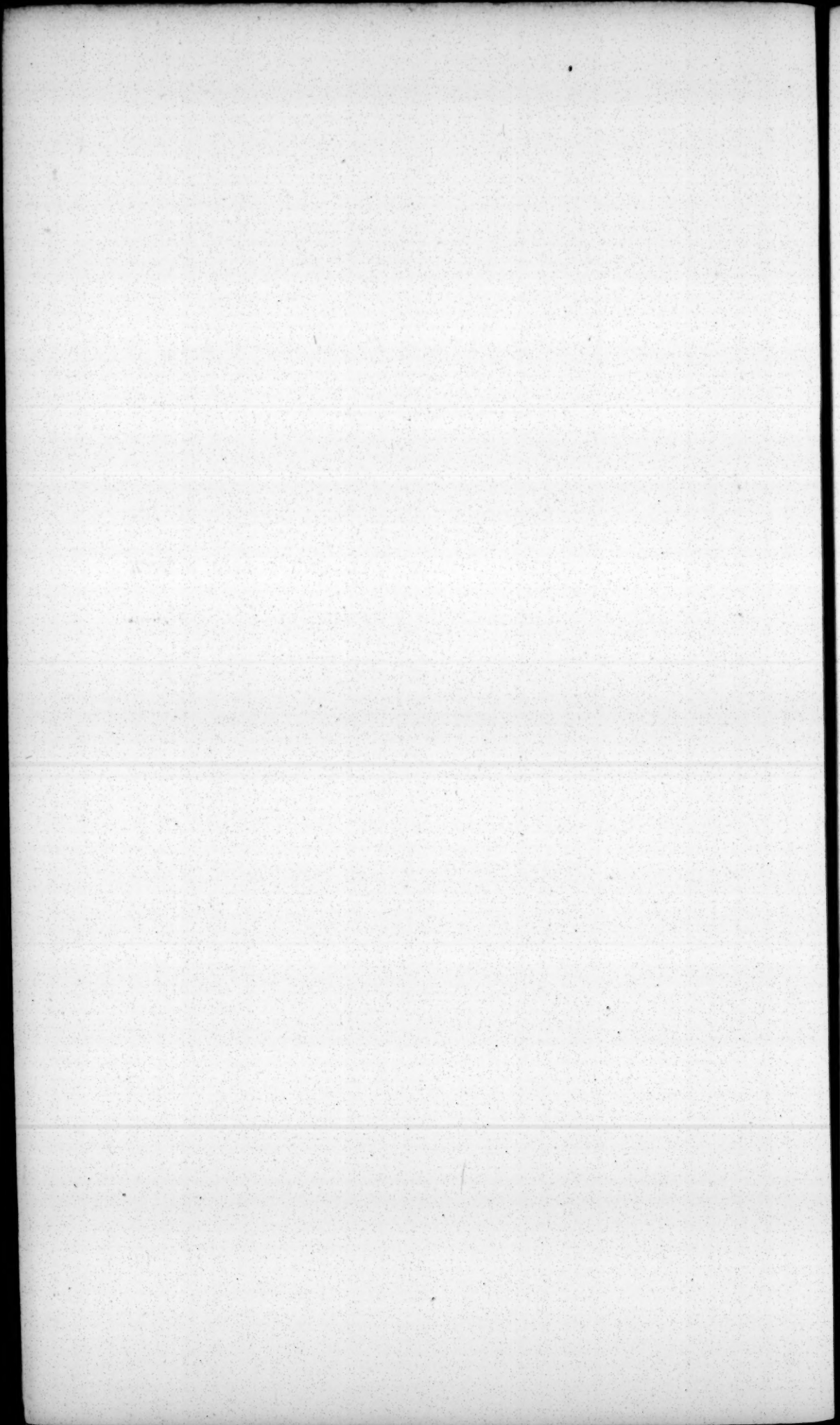
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ADVERTISEMENT.

THE following observations were hastily put together, in consequence of Mr. GILBERT'S late motion in the House of Commons for a revival of his Bill.---The writer having seen no other pamphlet on the subject, may probably have been anticipated in some of his remarks.---His name would not have been prefixed to this short letter, but to obviate the impropriety of opposing an avowed plan, by an anonymous publication.



CURSORY REMARKS, &c.

I N A

L E T T E R

T O

T. G I L B E R T, Esq. M. P.

THESE pages are addressed to you Sir, as the mover of a Bill in Parliament, "*for the better Relief, and Employment of the Poor, &c. &c.*" They contain objections to your plan, as too speculative in its principle---and too dangerous in the experiment it proposes,---

The few remarks that here occur in defence of our present system of Poor Laws---are founded on practical observation. If they contribute but in a small degree to the general information which the subject at this time requires, the purpose of the writer will be completely answered.---

B

Your

Your bill is professedly designed for these important ends, viz.

I. *To secure a more comfortable subsistence for the poor, and indigent.*

II. *To encourage, and promote industry throughout the lower classes of society: and*

III. *To alleviate the encroaching burdens of parochial taxes.*

To effect which, you require, that the direction of the Poor throughout the kingdom, should be taken out of the hands of *Parish Officers*, and *Justices of the Peace*---and the management be in future transferred to

1. *A Board of Commissioners.*
2. *A District Committee.*
3. *A District Agent.*
4. *Subordinate Overseers.*
5. *A County Committee.*

And by their endeavours you say, that you expect “ a system of Union,---Superintendence---
“ *Controul*---and---*Permanency of Office!*”

Whether

Whether this essential part of the public service may be best executed---by the old laws somewhat modified---or your plan, subversive of the whole antient code,----shall be the short question between us.---

Your plan appears to me objectionable as a machine too various, and complex in the movements required.---But first it would be right to examine the constituent parts. I shall take them as they arise in your bill.

COMMISSIONERS.

Were the principle of the bill unexceptionable,---the parliamentary appointment of these Commissioners, merely to divide Counties into Districts, would be liable to no material objection.

DISTRICT COMMITTEE.

Passing over the endless nuisances of the Magistrates taking polls in the several Districts---an election of this Committee by *ballot*, carries the impropriety of such an appointment upon the face of it. If the office of a District Committee-man prove a desirable one, persons of superior influence will find no diffi-

culty in engrossing such power within themselves.---
 On the other hand, if it turn out unprofitable, and
 troublesome, they will take care to a man, not to be
 elected, and in that case none but the ignorant and
 incapable will be chosen.---

DISTRICT AGENT.

This Officer to be elected by the first *District*
Committee, will of course be the choice of the most
 extensive parishes, sending a plurality of voices to the
 said Committee.---The small parishes,---dragged
 reluctantly into the corporation---must consequently
 be at the mercy of the larger throughout every
 District.---Notwithstanding all the parade of various
 Committees, the sole government of the District
 would center in this same Agent. He would be vested
 with such full, and absolute authority by your bill,
 that he is not even required to make any return of
 his examination of the three years accounts,---
 “ unless to HIM there shall APPEAR any omission,
 “ or misrepresentation.”--“ In all matters of doubt
 “ and difficulty,---indeed,---he MAY consult any
 “ member or members of the *District Committee*
 “ near him, and act under his, or their advice, till
 “ the next Committee meeting.”--But how few doubts
 a man will be troubled with, possessed of such powers,
 may

may readily be conceived.---He is further authorised to relieve paupers at home, or send them to the workhouse, as he may think proper: the District Committee will therefore erect your workhouses at a considerable expence to little or no purpose, should their Agent deem it more adviseable to administer relief pretty generally to paupers at their own houses.--Indeed the *discretionary power* to be vested in this man throughout, may be directed by him, so as to clog every wheel of your plan at his pleasure. But even admitting him disposed to do what is right;--in cases of difficulty---and many such must daily occur---how do you direct him to act?---“ He must apply “ to the *District Committee* for instructions:”---true--but such Committee may not meet for a month; and after this reference to them, the matter must be tried further back to the *County Committee*, who will not assemble for a fortnight longer; and even then a sufficient number of members may not attend to form a board!--What must be the ultimatum of all this?--The *Agent* will become COMPTROLLER GENERAL of the Poor throughout his District, or leave the distresses of the indigent, and the interests of the parishioners, to the hand of chance to regulate!

Should any resistance be made to the authority of this officer, the bill points out no mode of redress; it is probable therefore, that the neighbouring magistrate must

must in this instance, be called upon for his aid; to enforce this novel system of jurisprudence.--But after all, what APPEAL is left to the unfortunate pauper, under the probable tyranny of his new task-master? Here we are left totally in the dark.--You will hardly give such appellant jurisdiction to the Magistrates, thus to offend the delicacy of the new created powers. Is the oppressed object then to search for redress, perhaps for *bread*, through the perplexing mazes of *District Agents*---*District Committees*---and *County Committees*?---This would amount to little short of an absolute prohibition of justice; and therefore, you Sir, can best explain, by what mode you mean this appeal to be secured.

O V E R S E E R S.

Your idea of electing *Overseers* with a salary, I cannot deem advisable. In that case it will always become an object with the most powerful parishioner to command the office, either for himself, or his dependent. The objection to the present mode of appointment by the Magistrates, in parochial rotation, you state to be, "because no regard is thus paid to the qualification of the persons nominated."---Do you conceive Sir, that your *elective* mode will lessen the evil?--I am apprehensive it may

may have a contrary effect.---“ The office of *Overseer*,” you say, “ is proverbially a burthen on those, “ who are so unfortunate as to be liable to it.”---It might have been so formerly, but the case is materially altered *. Considerable sums are now raised by the increase of rates; the expenditure of these, gives a kind of local patronage, which men seem every day more desirous of obtaining. Indeed this part of your proposition is done away in the same page of your *Considerations* [p. 12,] by your own refutation.-- You have no sooner stated, that Overseers are appointed “ *against their will*,” than you thus invalidate the assertion. “ I am afraid many of these “ officers [*Overseers*] are such, as are *studious to* “ *obtain their situations*, in order to convert them to “ their own advantage, or that of their friends.”

Be this as it may, as executive instruments only, under the magistracy---their proper station---the present mode of appointment is evidently the most prudent.

But with what grace would the Overseer, elected by your plan for his extreme *respectability*, submit

* At the last Midsummer Quarter Sessions for Essex, a substantial farmer absurdly appealed against the Justices' appointment of two Overseers, from an extreme anxiety to serve the office himself.

to be the meer runner of the District Agent? Few men of ordinary spirit would bend to so servile a degradation.

“ Each Overseer,” you say, “ is to be watchful
 “ within his parish, but the District Agent is to be
 “ awake to the necessities of the whole District,
 “ *Does any one stand in need of relief? Does any want*
 “ *employment? Has an industrious man met with an*
 “ *accident that has disabled him from working? Are*
 “ *children grown too old to be any longer kept in idleness?*
 “ *Has any vagrant introduced himself into the parish,*
 “ *and become an annoyance by begging, or a cause*
 “ *of suspicion, by appearing unemployed? The Overseer*
 “ *is to make representation to the District Agent.*”

These are supposed to be the bounden duties of the Overseer, according to the laws now in force, except the servile part of the office--the representation to the District Agent.---And do you really believe, Sir, that this reference on every circumstance that may arise, occasioning endless trouble, would facilitate the desired redress?--Supposing the Agent even constantly resident within his District,---what unavoidable confusion and expence must attend the repeated, and often fruitless journies and enquiries, by various Overseers, after this individual Agent, in order that he may investigate their respective complaints!

plaints!---In a word, giving both Overseer and Agent full credit for the truest zeal, and best intentions in the discharge of their duty, I think it would be found impossible for them to execute, what your bill seems to require at their hands.

COUNTY COMMITTEE.

This Committee, with qualifications equal to that of the *Commissioners*, is to be elected by ballot---and seems intended as a board of general controul,
 “ liable to a penalty of 10l. each for non-attendance,
 “ unless in cases of sickness, or some unavoidable
 “ accident!”

You seem, Sir, to build much on the superintendence of your plan, being thus vested in the principal gentlemen of the county. Here likewise, I fear, you would experience a disappointment.---You cannot but have observed, with what extreme reluctance country gentlemen attach themselves to public business. To make their appearance at a summer Assizes, or an occasional Quarter Sessions, is generally the utmost extent of their county exertions. As a proof of this, I need only instance, the neglected Commissions of Turnpikes, Sewers, &c.---Under the dread therefore of being dragged into a dry de-

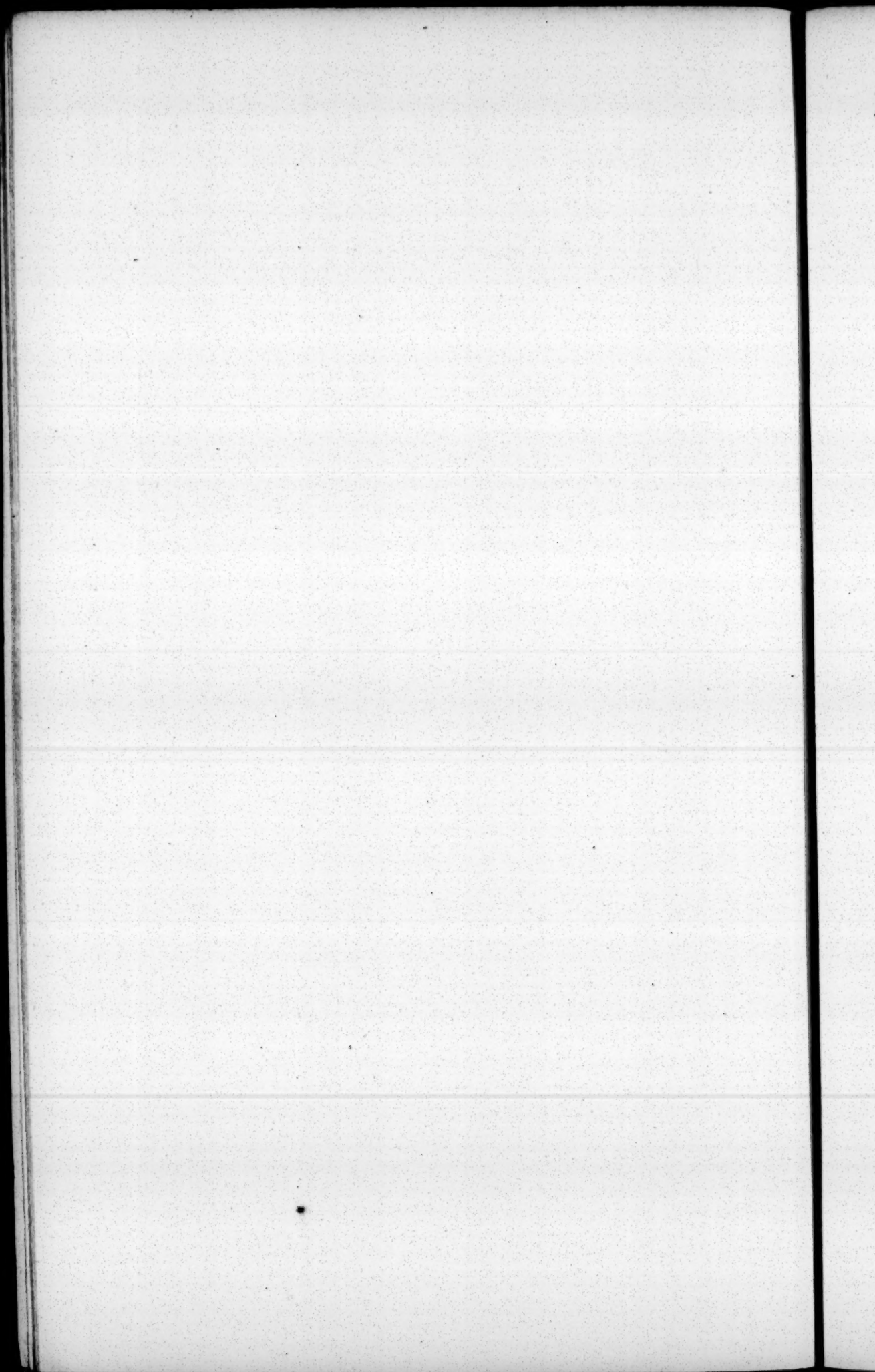
tail of unintelligible accounts, and complex items of parochial statements,---the chief canvas of gentlemen on this occasion, would be to *avoid* the honor of being elected to so troublesome an office, which must subject them to a heavy penalty for non-attendance upon its tedious duties.---Hence it evidently follows, that the whole controuling power of this, like that of the District Committees, must soon fall into the hands of a few interested *Agents*, who would of course direct the whole in a manner that might best answer their own sinister views.

If the errors be thus evident, as I contend, in the formation of the parts, how will the whole of so complicated a machine be put into any effectual motion? In the numberless obstructions which will arise, you must explore through such a variety of ill-according movements, that I fear you would often discover the cause of impediment, without possessing the power of removing it.

Indeed if no objection lay to your plan on the score of its impracticability--a man of your acknowledged probity must be supposed to pay some consideration to the means by which it would be accomplished.---And surely he must shrink from the task, when he found, that it could not possibly be effected, but by obtruding upon the peaceful scenes
of

of retired life, the baneful feuds of party spirit--- and annually involving every County-District, and Parish, in all the intrigues, and riots of contested elections!

Those which I have concisely stated, appear to me the most striking objections to which your bill is liable.---Summed up, they amount to this---that your plan departs too widely, and wildly, from the simplicity of our established system of Poor Laws---multiplying, rather than diminishing the difficulties of redress!



M O D I F I C A T I O N ,

A N D

S T R I C T E N F O R C E M E N T

O F T H E

P O O R L A W S ,

ALREADY ENACTED.

I FLATTER myself, I shall have no great difficulty in proving, that, by a trifling modification, and spirited enforcement of the existing Laws, the three great objects of our enquiry may be completely effected.

To the *Discretionary Power*, which Overseers have too long been suffered to exercise, contrary to every prin-

principle of justice and policy,---the alarming increase of paupers, as well as poors rates, may fairly be ascribed.---All the grievances on this subject, now crying aloud for redress, will be found to arise from some one or other of the following causes, viz.

From Overseers permitting idle, and disorderly persons to remain, after they find they have illegally obtruded themselves into their several parishes.

From settled inhabitants being suffered to grow slothful, and live without the visible means of gaining their bread.

From the neglect of Overseers in not seeing the children of paupers early brought up to proper habits of industry.

From the partial issuing of Parish Certificates.

From wanton, and capricious removals.

From

From groundless appeals to the General Quarter Sessions.

From the wanton expenditure of parish money in searching after paupers, &c. &c.

From unfair rates of partial assessments, and annexing charges thereto, not connected with the accounts of the poor.

In all the particulars above stated, the Overseer will be found almost invariably to exercise his own discretion, from the present difficulty of punishing him for any mal-conduct.* A considerable share of the poor are rendered helpless, and the state is deprived of their industry, by the shameful negligence of parish officers. It is high time, therefore, to dispossess them of their discretionary power, and hold them up to a strict discharge of their real duty, by || fines the most exemplary.

For the three first articles, containing *neglect of office*, the penalties to which an Overseer might be made subject; would soon operate as an effectual
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* In many cases, Overseers are enabled to set the vague authority of the Magistrate at defiance.

|| To be paid to the informer on conviction of the offending officer.

preventive. As to the latter, which constitute the heavy articles of *expenditure*, these, in my opinion, might easily be guarded against.

CERTIFICATES

Contribute very much to the cross-grained disputes between different parties :---they should either be granted generally, or totally abolished. Some parishes make it a rule not to issue them; this occasions many an industrious man to be removed from a place where he has long gained better wages by his labor, than he could earn in his own settlement. Other parishes, with more tenderness, seldom refuse to certify their poor, and therefore are disappointed when they meet not with the same treatment in return. But Overseers thus indemnified, care not to what expence they run the parish certifying, in cases of illness, &c. This in a great measure accounts for the reluctance often shewn in granting such certificates. Though much may be urged on the humane side of the question, the granting certificates is certainly productive of great public expence, and numberless litigations; and therefore, the general good seems to require that they should in future be dispensed with.

R E M O V A L S.

Every person obtruding himself into any parish, not being able to give a proper and satisfactory account of himself, and not departing thence within a certain limited time, after due notice given him by the Overseer, or Constable, should be deemed a vagrant, and be summarily punished accordingly.

Every person, whether single or married, who has been permitted, openly, to reside forty days successively in any parish, without receiving due notice to depart from it, should be deemed a settled inhabitant thereof; and the Overseer be adjudged to pay a certain fine, in aid of the poor-rates, for such neglect of his office. Some provision of this kind might stimulate the Overseer, to what is so much wanting, an early discharge of this important part of his duty. At present, from the discretionary power which enables him to remove the intruding pauper, at his leisure, the place of settlement from various circumstances, becomes doubtful: and hence arise the charges of removal, with the additional expence of defending it, whether it prove well, or ill founded.

The baneful effects of *vagrancy*, might in a great measure be prevented, if those who received, and har-

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boured

boured vagrants were searched out, and rigorously prosecuted for such offences. From the present difficulty of punishing the neglect of it, no responsibility is annexed to this essential part of the public service. Transfer it as an express duty to the overseer, who should have the subordinate aid of the constable, and the long catalogue of felonious depredations, would soon be diminished.*

Being vested with equal power, *church-wardens* are too much inclined to thwart their brother overseers in their best endeavors for the good government of the parish: worthless objects, to whom the overseers have justly refused relief, often receive the protection and support of a church-warden, merely from a parade of distinct authority. This being in general their only interference, parishes might be secured from the burden and inconvenience of it, were church-wardens empowered, in future, to act but as deputies, during the absence or indisposition of the regular overseers, and that in cases only of particular emergency.

* Privy searches to be made throughout every parish in the division, on the same night, as the best means of effectually correcting this evil.

A P P E A L S.

Appeals from orders of removal, form a very heavy part of the parochial burdens. Upon a moderate calculation, two-thirds of the appeals heard at the quarter sessions, are either totally groundless, or prove wanton litigations between neighbouring parishes. These notions of legal hostility are now so generally inculcated, that no Overseer thinks he makes a decent figure in the records of the parish which is honored with his mark, unless his pride has been gratified with an expensive appeal, though the object of such contention, may never become chargeable a single six-pence! It appears probable, that questions of this description might either be prevented, or at least be heard, and decided in a more summary way. For this end I would propose, that no appeals whatever, from orders of removal, should be admitted, without the previous investigation and sanction of the major part of the magistrates of the division, (at their petty sessions assembled) in which the appellant parish is situate; and where the appellant, and respondent parishes both lie in the same division, that such appeals should be brought to issue before the magistrates of the division aforesaid, from whose adjudication no further

appeal should lie to the general quarter sessions, but on peril of double costs to the appellant; one moiety whereof to be paid by the Overseers themselves, if such their appeal be adjudged vexatious by the said court of quarter sessions.*

R A T E S.

The shameful inequality of *rates*, has long, and justly been complained of, as a grievous oppression

* Mr. *Beaufoy*, member for Yarmouth, has lately presented a petition to the House of Commons, from Mr. *Wilkinson*, proprietor of a very extensive iron foundery, in the parish of BRADLEY, in the county of STAFFORD, “praying that
“his manufacturers may be deemed extra-parochial, in order
“to avoid their removal to their respective settlements, or
“being liable to the rates of the parish where they reside;
“and stating at the same time, that he will raise the taxes necessary for the relief of his own poor within themselves,
“and that he will be bound, in his whole fortune, as a security for the same.”

It seems impossible for Parliament to comply with the prayer of so extraordinary a petition; the legislature would at no rate venture to declare them extra-parochial, till an adequate provision was made for the relief of their poor, &c. and how can the security for this necessary fund be ascertained, in so encreasing a colony of manufacturers?—Where is the fortune that would be deemed equal to such a security? Independent of all this, in passing such a law, the whole doctrine of settlements must be thus overturned, and a new code of poor-laws be framed for this particular occasion, before Mr. *Wilkinson* could possibly be gratified in so singular a requisition?

on the small occupiers in most parishes throughout the kingdom. It is not a rare instance, for the little farmer, renting but sixty acres, to pay as heavy an assessment, as the wealthy yeoman, possessing more than double that quantity of land. An equality of rate, *ad valorem*, would be the most effectual remedy for this crying evil. To this the common place argument may be objected, of *the impolicy of rating improvements*; but surely it is no less impolitic to limit them to the *wealthy* only, but for whose grinding imposts, the smaller farmers might partake of the profit, as well as the credit of agricultural improvement.

A parish officer, before his rate is passed, should be sworn that no article whatever stands charged thereon, but what has been, *bona fide*, expended for the sole use of the poor.---This would be the means of excluding many of those smuggled items of *feasting*, &c. &c. which lead, in no small measure, to the enormity of parochial burdens.

A certain sum per mile should be limited for the removal, and bringing home of paupers; for so vague and extravagant are the charges at present on this occasion, that parishes in general pay from seven up to fifteen pounds, for the mere incidental expence of removing two or three paupers, less than
fifty

fifty miles! and the parishioners very rarely enquire into such shameful conduct. To this we may add, that those accounts are too often passed by the mere signature of the magistrate, not only without a single question of enquiry, but even without the attesting oath of the officer.----

The several duties of the *Overseer* being once clearly, and expressly declared, an intermediate officer between him and the *Magistrate* might be appointed to the great advantage of the public. The inefficacy of our admirable code of poor-laws, is, evidently, in a great measure, owing to the too distant gradation between the *Justice*, and *Parish Officer*. I would therefore propose, for each hundred, or division of a county,

A C O M P T R O L L E R,

with a salary adequate to his trouble, who might be subject to heavy penalties for a neglect of his duty. He might be empowered to summon vestry meetings of the respective parishes, in order to audit their quarterly accounts;---receive all parochial presentments, and other complaints against parish officers upon oath, for misconduct in the discharge of ~~their~~ duty, and make due return thereof,

thereof, with all other requisite matter, to the petty sessions, to be from thence returned to the general quarter sessions, there to be duly enquired into, and the offending parties prosecuted at the expence of the county. I see no objection to the *High Constable* of the division being employed herein, with an additional stipend, and thus raised from an useless, to that of an active civil officer, between the Justice and Overseer, as above-stated.-----

For the comfortable support of the poor, the punishment of the disorderly, and the economical expenditure of the parochial funds, but little more would be found wanting. Objects of distress, by the vigilance of active officers, would soon be reduced in their numbers. Children, from their earliest years, would be trained in the paths of industry; and, in any cases of mal-conduct on the part of parish officers, the necessary appeal, through the *Comptroller*, or the neighbouring magistrate, would be speedy in its operation, and certain in its effect. Not a slothful inhabitant could remain in a parish unaccounted for; nor a single individual support himself therein, without the visible means of procuring an honest livelihood. Overseers, however, must have a more express authority for
this

this essential part of their duty. Great mischief arises from the difficulty which they conceive might attend such rigorous exertions, by virtue of any law at present enacted. Justices of the peace should, at the same time be empowered, on the complaint of parish officers, summarily to punish idle and disorderly persons, who refuse to labour, or are not able to render a good account of themselves. The present, and only mode of sending them to the house of correction, there to await the decision of the quarterly sessions, is of itself often a punishment too heavy for the offence; and instead of operating towards the amendment of the culprit, nine times out of ten only qualifies him by a general contamination of morals, for the most desperate achievements !

W O R K H O U S E.

For the really poor, and indigent, a comfortable provision might be made within their own parish, without resorting to those extensive hospitals which your plan, Sir, proposes for their general reception. I see no great objection to houses of industry between two, or in some instances even three parishes; but these I would recommend to be under the management

nagement of their respective overseers, who would thus become useful checks on each others' conduct. Over them I would likewise place the general superintendence of the *Comptroller*. The established incorporations which you have enumerated, have, no doubt, been productive of local benefit; but this plan cannot, I think, be made generally advantageous. How, for instance, will you incorporate extensive parishes rated ten shillings, with neighbouring ones paying only three shillings in the pound? The manufacturing towns of *Coggeshall*, *Braintree*, and many others in the county where I reside, would, by such an union, throw great part of their parochial burdens, on persons deriving not the smallest advantage from the manufactures that occasion them. I confess myself extremely adverse to the practice of general hospitals, for the reception of great bodies of the infirm, whose last resource is a *workhouse*. The unavoidable tumult of such a mixed society, is seldom sought for by declining age; nor will the wretch, grown grey in the scenes of retirement, find this a fit asylum, wherein to pass his few, last moments!--

By some such easy plan as that I have hastily traced, open to many amendments, the general interests of all concerned, I conceive, might be effectually secured. Two-thirds of the present

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rates,

rates, at the utmost, would thus be found adequate to the necessary expenditure. The indigent would receive a comfortable provision without being exposed to the iron rod of foreign task-masters, from whose oppressions under your system, there appears but little prospect of redress! In a word, that it will fully embrace that *union, superintendence, controul, and permanency of office*, which your bill has proposed.

Having thus loosely stated my objections to your system, and faintly sketched a modified plan in its stead, it is due to your laborious researches to observe, that your *Bill, and Considerations*, contain much valuable information. Your enquiry into the various *charitable donations* throughout the kingdom, will probably be productive of great good, by rescuing many a charitable boon from the sacrilegious gripe of the worthless. On the additional bequests which you expect will be made to the poor in consequence of your plan, I reckon but little. The expiating offerings of superstition are no longer in fashion: and good men, inclined to acts of beneficence, from principles of true charity, will, at this day, seldom prefer parochial donations, which they now perceive, serve only to alleviate the parish taxes of the wealthy.

Your

Your *Sunday toll* on turnpike roads, towards the support of a contingent fund, would operate partially, and therefore oppressively. I shall not notice your proposed *tax on dogs*;---plan of *friendly societies*; *Sunday schools*;---*small debts*;---of *hue and cry*, &c. &c. because they are subjects totally unconnected with the main question. The clause in your bill respecting *ale-houses* is, however, of too extraordinary a nature to be passed over without a remark;

“ To enact, that from and after the first day of
 “ September, 1788, no licence shall be granted to
 “ any person for keeping an ale-house, inn, or vic-
 “ tualing-house, unless it shall appear by a certifi-
 “ cate from the commissioners, or some proper of-
 “ ficer of the excise, that the person to whom such
 “ licence is to be granted, or the person who was
 “ licensed to the same house for the year next pre-
 “ ceding, had paid duty for, or sold bar-
 “ rels of ale at least, &c. &c.

When the principal qualification for a licence, is *excess of drinking*, publicans of an orderly disposition will necessarily be compelled to take down their signs; but what benefit the State can derive from bartering an *increase of debauchery*, for a *diminution of ale-houses*, remains yet to be explained!

Imperfect, however, as your system may appear to the dispassionate, considerable allowance should be made for your prejudice in its favor. You have so long contemplated this favorite offspring, that it is no wonder if you now view it with too partial a regard; or in the fixed admiration of a pleasing feature, you should have totally lost sight of its most striking imperfections.

Your appeal to the House of Commons, will soon bring this national question to a parliamentary decision. The event of that enquiry, I may safely predict, will extend no further than a general eulogy on your good intentions. Indeed the passing your bill into a law, could yield no additional credit to your legislative character :---you must soon perceive that such a compliment was an indiscreet one, and lament, that it had been thus overstrained at the expence of the country !

I am, Sir,

With great respect.

Your very obedient,

Humble servant,

H. B. DUDLEY

Bradwell Lodge,

Feb. 20, 1788.

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